

**THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MARTHA KRISTIAN,
Plaintiffs,

v.

COMCAST CORPORATION et al.,
Defendants.

CIVIL ACTION NO.:
03-12466-EFH

JACK ROGERS and PAUL PINELLA,
Plaintiffs,

v.

COMCAST CORPORATION et al.,
Defendants.

CIVIL ACTION NO.:
04-10142-EFH

SCHEDULING ORDER

And now, this 23rd day of Aug., 2006, pursuant to Local Rule 16.1, IT IS HEREBY

ORDERED AS FOLLOWS:

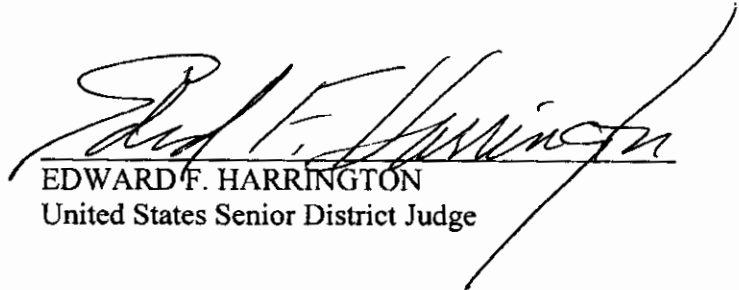
1. The parties shall make initial disclosures under Fed. R. Civ. P. 26(a)(1) no later than fourteen (14) days following the issuance of the Court's Scheduling Order.
2. Plaintiffs have filed a Consolidated Amended Complaint, amending the *Kristian* and *Rogers* complaints and consolidating the actions. Defendants may move to dismiss the Consolidated Amended Complaint on or before September 7, 2006. Plaintiffs may file a Brief in Opposition to the Motion to Dismiss on or before October 9, 2006. Defendants may file a Reply Brief in Further Support of their

Motion to Dismiss on or before October 25, 2006. Plaintiffs may file a motion for leave to file a surreply.

3. Class discovery and first-phase merits discovery shall commence immediately following the entry of an order regarding the Defendants' Motion to Dismiss. Until the Court has ruled on Plaintiffs' Motion for Class Certification, first-phase merits discovery shall be limited to document and interrogatory discovery and any Fed. R. Civ. P. 30(b)(6) depositions regarding document production. Class discovery shall be completed within 90 days after the Court's order on Defendants' Motion to Dismiss.
4. Plaintiffs shall serve any Motion for Class Certification following the completion of class discovery. Defendants shall serve any Memorandum in Opposition to Class Certification 30 days thereafter. Plaintiffs shall serve a Reply Brief in Support of Class Certification 21 days thereafter.
5. Second-phase merits discovery, including merits-based deposition discovery, supplemental document or interrogatory discovery, and other merits discovery may commence immediately following the Court's order on class certification and shall be completed on December 1, 2007 or 240 days after a Court order regarding Plaintiffs' Motion for Class Certification, whichever is later.
6. Further amendments to the pleadings and/or joinder of additional parties may be sought by appropriate motion on or before April 30, 2007.
7. A settlement conference shall be held on or before July 9, 2007.
8. Pursuant to Fed. R. Civ. P. 26(a)(2), Plaintiffs and Defendants shall designate their trial experts on or before December 14, 2007 or 254 days after a Court order regarding Plaintiffs' Motion for Class Certification, whichever is later. Unless otherwise stipulated, disclosure of trial experts will include a report fully in compliance with Fed. R. Civ. P. 26(a)(2)(B). Any motion challenging the qualifications of a designated trial expert must be made 30 days after filing of initial expert reports. Rebuttal trial expert reports shall be filed 30 days after filing of initial expert reports.
9. The deadline for conducting depositions of trial experts shall be 30 days after filing of rebuttal expert reports.
10. The parties shall serve any Motions for Summary Judgment on or before February 22, 2008, or 323 days after a Court order regarding Plaintiffs' Motion for Class Certification, whichever is later. The parties shall serve Opposition Briefs to the previously filed Motions for Summary Judgment 21 days thereafter. The parties shall serve Reply Briefs in Support of the previously filed Motions for Summary Judgment 21 days thereafter.

11. The parties shall serve Motions in Limine, Daubert motions, Proposed Jury Instructions, and any other pre-trial motions 30 days after the entry of the Court's order on the Motions for Summary Judgment.
12. A final pretrial conference shall be held 14 days thereafter.
13. The case shall be ready for trial one month after the final pretrial conference.
14. In accordance with Local Rule 16.1(g), provisions of this Scheduling Order, including any deadlines, having been established with the participation of all parties, can be modified only by order of the Court, or a magistrate judge if so authorized by the judge, and only upon a showing of good cause supported by affidavits, other evidentiary materials, or references to pertinent portions of the record.

SO ORDERED.



EDWARD F. HARRINGTON
United States Senior District Judge